

Remarks/Arguments

Applicants respectfully request reconsideration of the pending claims in view of the above amendments and following comments. Claims 22 and 23 have been amended. As such, claims 1-42 and 46 are currently pending.

No new matter has been inserted. Support for the amendment to claim 22 can be found in the specification at least at FIG. 7C and in the specification at least at paragraphs [0419] and [0420]. Support for the amendment to claim 23 can be found in the specification at least at FIG. 7D and in the specification at least at paragraphs [0425] and [0426].

35 U.S.C. § 112, 2nd Paragraph

Claims 22 and 23 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants respectfully traverse this rejection.

While not conceding to the Examiner's position, in the interest of advancing prosecution, Applications have amended claims 22 and 23 in order to render this rejection moot. Applicants respectfully request that this rejection be withdrawn.

35 U.S.C. §103

Claims 1, 2, 24, 27-29, 31-37, 41, 42 and 46 were rejected under 35 U.S.C. § 103(a) over Ando et al. (US 2002/0044556) in view of Rueda (US 2002/0112076). Applicants respectfully traverse this rejection.

Claim 1 requires that "the source packet interceptor examines an IP header of the IP packet to determine if it is an IP packet to be intercepted". Claim 42 requires "using a packet interceptor to intercept an IP packet identified in a look-up table as having a specified source address, source port number, destination address, destination port number, and protocol type." With regard to claim 46, the feature of "examination of IP packets to identify packets to be intercepted" is required.

Ando describes "a multiplexer and priority control method for packet data transmissions". See title. However, Ando does NOT teach the steps of intercepting IP packets

from a source application. Ando's invention assembles all data sent from a plurality of terminal side lines into packets, associates priority levels to each packet, and transmits each packet according to the priority level assigned. In regard to a packet interceptor, the Examiner points to FIG.3. In this regard, the Examiner states that "Ando teaches the steps of (a) using a source packet interceptor to intercept an IP packet from a source application (i.e. Fig. 3 left box 24)". However, as can be seen in FIG. 3 of Ando, all packets would flow through the multiplexer 24. As such, Ando fails to teach or suggest a source packet interceptor that "examines an IP header of the IP packet to determine if it is an IP packet to be intercepted" as required by claim 1. Similarly, Ando fails to teach or suggest "using a packet interceptor to intercept an IP packet identified in a look-up table as having a specified source address, source port number, destination address, destination port number, and protocol type" as required by claim 42. Also, Ando fails to teach or suggest the feature of "examination of IP packets to identify packets to be intercepted" as required by claim 46.

Rueda fails to cure the deficiencies of Ando. Rueda's invention describes a system of Internet Protocol based computer network services that provide client-side access to server-side services, without the need for installing proprietary software on the client computer. Rueda specifically states that this is different from a conventional Internet Protocol-based network in which connected computers must be configured specifically for that network to access Internet Protocol-based services or to have custom applications running on them to allow this access. See abstract.

The Examiner asserts that Rueda discloses "the source packet interceptor examines an IP header of the IP packet to determine if it is an IP packet to be intercepted". The Examiner refers to paragraph [0140] of Rueda. That paragraph is as follows:

"The TCP/IP protocol stack at the System server will send a packet to the System NDIS Intermediate Driver with an Ethernet address equal to client (B)'s MAC address (00:55:44:33:22:11) since the ARP table happens to have client (B)'s entry listed first. However, once the System NDIS Intermediate Driver **intercepts the packet** from the

transport driver it does a lookup in DestAddrPool using the destination IP address and destination TCP/UDP port number of the received packet to determine if the source IP address of the packet needs to be changed to equal the IP address which the client was expecting to hear back from. In addition to retrieving the destination IP address from DestAddrPool at this point, the Ethernet address can also be retrieved. The System NDIS Intermediate Driver then simply replaces the destination Ethernet address of the packet received with the source Ethernet address retrieved from DestAddrPool for this connection (client (A)'s MAC address: 00:11:22:33:44:55). The Ethernet frame will now be sent on to the correct client (A) regardless of the confusion introduced by the ARP lookup.” See paragraph [0140].

In other words, the NDIS Intermediate Driver of Rueda intercepts all packets and then” does a lookup in DestAddrPool using the destination IP address and destination TCP/UDP port number of the received packet to determine if the source IP address of the packet needs to be changed to equal the IP address which the client was expecting to hear back from”. As such, Rueda actually discloses nothing regarding selectively intercepting packets. In fact, if Rueda only selectively intercepted packets, then some of the packets would not be sent on to the correct client because of the confusion introduced by the ARP lookup. This would be counter to the purpose of Rueda, which is a system “that when installed, allows connected computers access Internet Protocol-based services if they are configured for any Internet Protocol-based network”. See abstract. In this regard, Applicants point out that “the proposed modification cannot render the prior art unsatisfactory for its intended purpose”. See MPEP § 2143.01 (V). In this case, if the operation of Rueda were modified in order to satisfy the limitations of the pending claims it would be rendered unsatisfactory for its intended purpose.

In fact, combining Ando with Rueda would also render Ando unsatisfactory for its intended purpose. Ando specifically states that its invention functions so that “opportunities to transmit packet data onto the network side line can be equally afforded to the plurality of terminal side lines having the identical priority level”. See Ando at [0013]. However, selective

interception of packets is contrary to the intended purpose of priority control in Ando. If packets are only selectively intercepted, effective priority control would not be established within the framework of Ando. At best, priority control could only be established with regard to those packets that are actually intercepted. However, that would result in a problem identified by Ando at paragraph [0005] (“there arises the problem that opportunities for packet data transmissions cannot be equally afforded to the plurality of terminal side lines”). The proposed modification would potentially result in some packets of a particular priority level would be intercepted and subjected to priority control whereas other packets would not and this would defeat the intended purpose of Ando.

For at least these reasons, the combination of Ando and Rueda fail to disclose a source packet interceptor that “examines an IP header of the IP packet to determine if it is an IP packet to be intercepted” as required by claim 1. Similarly, the combination of Ando and Rueda fail to teach or suggest “using a packet interceptor to intercept an IP packet identified in a look-up table as having a specified source address, source port number, destination address, destination port number, and protocol type” as required by claim 42. Finally, the combination of Ando and Rueda fail to teach or suggest the feature of “examination of IP packets to identify packets to be intercepted” as required by claim 46. As claims 2, 24, 27-29, 31-37, and 41 are dependent on claim 1, they are also not taught or suggested by the combination of Ando and Rueda. Applicants respectfully request that this rejection be withdrawn.

Claims 4, 5, and 25 were rejected under 35 U.S.C. § 103(a) over Ando et al (US 2002/0044556) and Rueda (US 2002/0112076) in view of Yan (US 2005/0018651). Applicants respectfully traverse this rejection.

In response, Applicants note that claims 4, 5, and 25 are dependent on claim 1. As described above, the combination of Ando and Rueda fail to teach or suggest at least a source packet interceptor that “examines an IP header of the IP packet to determine if it is an IP packet to be intercepted” as required by claim 1.

Yan fails to cure the deficiencies of Ando and Rueda. Yan discloses “a solution that

enables voice telephone service to be provided over an HFC network that operates in conjunction with legacy cable modems and permits the sharing of the cable modem and a single globally unique IP Address assigned by a service provide amongst VoIP services and multiple computers". See paragraph [0020] of Yan. However, Yan fails to disclose a packet interceptor that "examines an IP header of the IP packet to determine if it is an IP packet to be intercepted". As such, the combination of Ando, Rueda, and Yan fails to disclose a packet interceptor that "examines an IP header of the IP packet to determine if it is an IP packet to be intercepted" as required by claim 1. Therefore, the combination of Ando, Rueda, and Yan fails to teach or suggest every element and therefore fails to render the invention of claim 1 anticipated or obvious. As claims 4, 5, and 25 are dependent on claim 1, they are also not rendered obvious by the combination of Ando, Rueda and Yan.

Claims 7-15, 17-22, and 30 were rejected under 35 U.S.C. § 103(a) over Ando et al (US 2002/0044556), Rueda (US 2002/0112076) and further in view of Chapman (US 6643292). Applicants respectfully traverse this rejection.

In response, Applicants note that claims 7-15, 17-22, and 30 are dependent on claim 1. As described above, the combination of Ando and Rueda fail to teach or suggest at least a source packet interceptor that "examines an IP header of the IP packet to determine if it is an IP packet to be intercepted" as required by claim 1.

Chapman fails to cure the deficiencies of Ando and Rueda. Chapman discloses "enhanced transport systems with inherent packet multiplexing". See abstract. However, Chapman fails to disclose or suggest at least a source packet interceptor that "examines an IP header of the IP packet to determine if it is an IP packet to be intercepted" as required by claim 1. As such, the combination of Ando, Rueda, and Chapman fail to teach or suggest the invention of claim 1. As claims 7-15, 17-22, and 30 are dependent on claim 1, they are also not taught or suggested by Ando, Rueda, and Chapman.

Claim 23 was rejected under 35 U.S.C. § 103(a) over Ando et al (US 2002/0044556),

Rueda (US 2002/0112076), Chapman (US6643292) and further in view of Itoh (US 2002/0194361). Applicants respectfully traverse this rejection.

In response, Applicants note that claim 23 is dependent on claim 1. As described above, the combination of Ando and Rueda fail to teach or suggest at least a source packet interceptor that “examines an IP header of the IP packet to determine if it is an IP packet to be intercepted” as required by claim 1.

Chapman and Itoh fail to cure the deficiencies of Ando and Rueda. Chapman discloses “enhanced transport systems with inherent packet multiplexing”. See abstract. However, Chapman fails to disclose or suggest at least a source packet interceptor that “examines an IP header of the IP packet to determine if it is an IP packet to be intercepted” as required by claim 1. Itoh discloses a system wherein “in a sending terminal (10), a propagation delay measurement portion (102) uses propagation delay time measurement packets to measure the round trip time to/from an intermediate node of intermediate nodes (12, 13, 14) with the potential of becoming a bottleneck”. See abstract. However, like Chapman, Itoh fails to disclose or suggest at least a source packet interceptor that “examines an IP header of the IP packet to determine if it is an IP packet to be intercepted” as required by claim 1. Therefore, the combination of Ando, Rueda, Chapman, and Itoh fails to teach or suggest every element and therefore fails to render the invention of claim 1 anticipated or obvious. As claim 23 is dependent on claim 1, it is also not rendered obvious by the combination of Ando, Rueda, Chapman, and Itoh.

Claims 38 and 39 were rejected under 35 U.S.C. § 103(a) over Ando et al (US 2002/0044556), Rueda (US 2002/0112076) and further in view of Itoh (US 2002/0194361). Applicants respectfully traverse this rejection.

In response, Applicants note that claims 38 and 39 are dependent on claim 1. As described above, the combination of Ando and Rueda fail to teach or suggest at least a source packet interceptor that “examines an IP header of the IP packet to determine if it is an IP packet to be intercepted” as required by claim 1.

Itoh fails to cure the deficiencies of Ando and Rueda. Itoh discloses a system wherein

“in a sending terminal (10), a propagation delay measurement portion (102) uses propagation delay time measurement packets to measure the round trip time to/from an intermediate node of intermediate nodes (12, 13, 14) with the potential of becoming a bottleneck”. See abstract. However, Itoh fails to disclose or suggest at least a source packet interceptor that “examines an IP header of the IP packet to determine if it is an IP packet to be intercepted” as required by claim 1. Therefore, the combination of Ando, Rueda, and Itoh fails to teach or suggest every element and therefore fails to render the invention of claim 1 anticipated or obvious. As claims 38 and 39 are dependent on claim 1, it is also not rendered obvious by the combination of Ando, Rueda, and Itoh.

Claim 40 was rejected under 35 U.S.C. § 103(a) over Ando (US 2002/0044556). Applicants respectfully traverse this rejection.

As a preliminary matter, Applicants note that this rejection (#13 at page 26) appears to be incomplete. The rejection states that “Claim 40 is rejected under 35 U.S.C. 103(a) over Ando et al. to (US-PGPUB-2002/0044556) and in further view of one _____” (underlining added where spaces appeared). Applicants are unsure what other reference may be referred to by the Examiner and respectfully requests clarification. However, to the extent that only Ando was intended to be cited, Applicants point out that as described above Ando fails to teach or suggest at least a source packet interceptor that “examines an IP header of the IP packet to determine if it is an IP packet to be intercepted” as required by claim 1. As claim 40 is dependent on claim 1, it is also not taught or suggested by Ando. Applicants respectfully request that this rejection be withdrawn.

Summary

Applicants assert that the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is encouraged to contact the Applicants’ representative at the telephone number below if it is believed that prosecution of the present case can be aided thereby.

Please charge any additional fees or credit any overpayment to Deposit Account No. 50-3688.

Respectfully submitted,

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